

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES TURNER, :  
Petitioner, :  
v. : Case No. 3:13-cv-47-KRG-KAP  
JEROME WALSH, WARDEN, S.C.I. :  
DALLAS, :  
Respondent :

Memorandum Order

Petitioner's motion at docket no. 37 to alter or amend the judgment denying the habeas corpus petition and a certificate of appealability was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on August 4, 2014, docket no. 40, recommending that the motion be denied on the merits and that a motion for extension of time to file a notice of appeal at docket no. 39 be denied as unnecessary. The Report and Recommendation also addressed Rule 60 motions filed at Turner v. Lavan, Case No. 3:01-cv-373-KRG-KAP (W.D.Pa. September 17, 2004, certificate of appealability denied No. 04-3985 (3d Cir. February 25, 2005), cert. denied, No. 05-5253 (U.S. October 3, 2005) and Turner v. Lavan, Case No. 3:01-cv-374-KRG-KAP (W.D.Pa. September 17, 2004, certificate of appealability denied No. 04-4005 (3d Cir. February 25, 2005), cert. denied, No. 05-5192 (U.S. October 3, 2005)).

The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to serve and file written

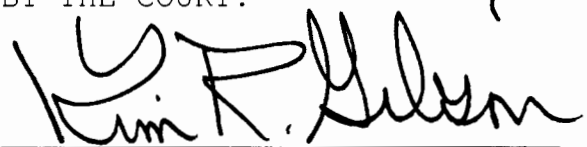
objections to the Report and Recommendation. Petitioner filed objections that had the captions of the two habeas matters from 2001, but did not file objections at this caption. I nevertheless have reviewed all the pleadings filed by petitioner and find no reason to alter the judgment.

After de novo review of the record of this matter and the Report and Recommendation the following order is entered:

AND NOW, this 7<sup>th</sup> day of October, 2014, it is

ORDERED that the petitioner's motion to alter or amend the judgment, docket no. 37, is denied. The motion for extension of time to file a notice of appeal, docket no. 39, is denied as unnecessary. The motion for a certificate of appealability, docket no. 41, is denied. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Charles Turner DK-3161  
S.C.I. Dallas  
1000 Follies Road  
Dallas, PA 18612